

**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

KLEIBER et al

Application No.: New Divisional Application

Filed: January 10, 2001

Attorney Dkt. No.: 101614-00010

For: MAGNETIC PIGMENT

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

January 10, 2001

Sir:

Prior to calculation of the filing fee and prior to the examination of this application, please amend the above-identified application as follows:

**IN THE CLAIMS:**

Cancel claims 1-12 without prejudice and insert the following new claims:

--13. A magnetic particle comprising a magnetic core and an outer glass layer, wherein said outer glass layer comprises boron oxide, said outer glass layer has an outer glass surface and completely covers said magnetic core.

14. The particle of claim 13, wherein the glass surface is substantially porefree.

15. The particle of claim 13, wherein the glass surface has pores with a diameter of less than 10 nm.

16. The particle of claim 13, wherein the particle has a particle size of between 10 and 60  $\mu\text{m}$ .

17. The particle of claim 13, wherein any pores in the glass surface having a diameter of less than 1 nm.

18. The particle of claim 13, wherein said magnetic core comprises a composite material comprising a mica core and magnetic particles immobilized on said mica core.

19. A method for separating a biological material from a fluid containing the biological material comprising:

- a) bringing a sample that contains the biological material in a fluid in contact with a particle of claim 17 under conditions such that the biological material binds to the glass surface; and thereafter
- b) separating the bound biological material from the fluid.

20. The method of claim 19 wherein the biological material is a nucleic acid.

21. The method of claim 19 wherein the bound biological material is separated from the fluid with the aid of a magnetic field.

22. The method of claim 19 wherein the particle is not subjected to the influence of a magnetic field before being brought in contact with said sample and is thus able to sediment when being brought in contact with the sample.

23. A method for separating nucleic acids from a fluid containing the nucleic acids comprising:

- a) bringing a sample that contains nucleic acids in a fluid in contact with a magnetic particle comprising a magnetic core and an outer glass layer, wherein said outer glass layer comprises boron oxide, said outer glass layer completely covers the magnetic core and has an outer glass surface, wherein the outer glass surface is substantially pore free or has pores with a diameter of less than 10 nm under conditions such that the nucleic acids can bind to the glass surface; and thereafter

b) separating the bound nucleic acids from the fluid.

24. The method of claim 23 wherein said nucleic acids in the fluid are nucleic acids in native form.

25. The method of claim 23 wherein the bound nucleic acids are separated from the fluid with a magnetic field.

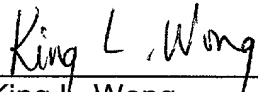
26. The method of claim 23 wherein the magnetic particle is not subjected to the influence of a magnetic field before being brought in contact with sample and is thus able to sediment when being brought in contact with the sample.--

#### REMARKS

The above amendment to the claims has been made to correct the multiple dependency of the claims and to put the application in better condition for examination.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300.

Respectfully submitted,

  
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**NOTIFICATION OF CHANGE OF NAME AND ADDRESS**

Commissioner for Patents  
Washington, D.C. 20231

January 10, 2001

Sir:

Kindly change the correspondence name and address for the above-identified application to the following:

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Should any fees be due with respect to this paper, please charge Counsel's Deposit Account No. 01-2300.

Respectfully submitted,  
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